

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LARRY DIXON,

Plaintiff,

-v-

No. 10 Civ. 6668 (LTS)(RLE)

DORA SHIRO, et. al.,

Defendants.  
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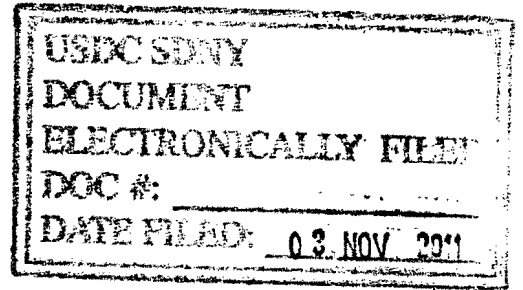
**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pro se Plaintiff Larry Dixon ("Plaintiff") brought this action against several corrections officials and prison personnel alleging harassment by a prison guard. Plaintiff, who was incarcerated at the time he filed the Complaint, was released prior to receiving the Service Package, which was mailed to the address on the docket sheet. As a result, on or about October 12, 2010, the Service Package was returned as undeliverable. Service has not been effected in this case and Dixon has made no effort to file a change of address or otherwise contact the Court. On January 7, 2011, Magistrate Judge Ronald L. Ellis issued a Report and Recommendation ("Report"), recommending that the Complaint be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Neither party has made any objection to the Report, and the time to do so has elapsed.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(c) (West 2008). "To accept the report and recommendation of a magistrate,

Copies mailed/faxed to  
Chambers of Judge Swain

Mr. Dixon  
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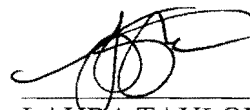
to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wynn v. Lempke, No. 08 Civ. 3894(RJS), 2009 WL 1227362, at \*2 (S.D.N.Y. May 5, 2009).

The Court has reviewed thoroughly Judge Ellis's Report and finds no clear error in his recommendation. Accordingly, the Court accepts the Report. Plaintiff's Complaint is hereby dismissed without prejudice.

The Clerk of Court is respectfully requested to enter judgment accordingly and close this case.

SO ORDERED.

Dated: New York, New York  
November 1, 2011



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LAURA TAYLOR SWAIN  
United States District Judge